

**Pacific Southwest Organic Residuals Symposium**  
**Break Session Cross Media Regulatory Coordination**  
**October 2, 2008**

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**Participants:** All

**Key Themes**

- Agency leaders to provide clarity for unified message
- Need for regulatory certainty
- Develop, Circulate, and Adaptively manage regulatory guidance documents
- Permitting agency to act in good faith effort to resolve problems
- Diffuse the confusion of regulatory processes do not celebrate the confusion
- Dissolve institutional fragmentation
- Facilitate institutional integration
- Need vertical and horizontal integration of understanding and communication within agencies
- Need ownership and accountability for permitting processes

**Discussion Notes**

- Need tools for analyzing Net Environmental Benefit
  - Scaling local vs. global views
  - Mobile vs. stationary
  - Holistic risk analysis
- Transparency in silo permitting communication
  - In Agency
  - Across Agency
  - Across local, state, and federal agencies
  - Across stakeholder community
- Need Rulemaking/Permit Checklist
  - Establish permit streamlining team
  - Establish set of goals/objectives/performance measures
  - Produce life cycle analysis of lifetime of environmental impact
  - Establish oversight
  - Establish single contact point on any aspect of permit process
- Clearing Statutory Hurdles
  - Identify conflicts between legislation guiding individual agencies and their permitting processes
  - Identify opportunities and strengths to build cooperation between agencies and legislative missions
  - Establish an ombudsman to enable agency to present opportunities to build cooperation via legislative process and formalize
  - Establish cross media checklist for each agency to consider direct or indirect resource impacts from single agency/department permitting
- Establish a “Pit Boss” approach to permitting
  - Develop a living regulatory permitting guidance document
  - Develop a consolidated database to track permitting

**2 October 2008**



## **Session 1 Break Out Summary**

- Develop on line application tool and enable project tracking
- Need for a CalEPA Permitting Group
  - Establish and convene a summit to develop a structure and process to address regulatory conflict and or contradictions
  - Change applicable statute to enable CalEPA to be a coordinating agency and give CalEPA the authority to regulate the individual Boards, Departments, and Offices
  - Work within and across CalEPA with various permitting agencies such as those with Resources Agency
  - Ensure through checks and balances that upon issuance of one permit other agency permitting requirements are satisfied
  - Work to combine all regulatory silos into one
  - Ensure all technological options are available to permittees during permitting planning process
  - Establish a navigable regulatory website to determine whether a permit is needed by identifying:
    - Listing adopted technologies
    - Permissible emission (water, air, waste) standards
    - Cost information if available to meet requirements
- Need to identify regulatory shared responsibilities within permitting guidance
  - Develop flexibility and latitude with respect to the regulation of organic residuals
  - Develop checklist to identify opportunities for collaboration
  - Create a cross media task force
  - Vertical and horizontal integration within Boards, Departments, and Offices from the bottom up and laterally within scientific ranks
  - Justify integration process to management as necessary to reduce or eliminate silos
  - Steering committee to inform agencies on potential changes
  - Provide briefings
- Form Blue Ribbon task force on organic residuals
  - Include respective permitting agencies, allied stakeholders
  - Redesign communication across silos
    - Need to understand overlap of missions
    - Need to cross train agency staff as to permitting integration across air, water, and waste
  - Identify and establish best management practices to address as holistically as possible with best available technology for the regulation of air, water, and waste
  - Develop regulatory checklist or guidance manual
  - Establish a decision matrix for review one permits as a one stop permitting process with coordination
  - Review and update laws of different media to get them to interact effectively being cognizant of likely costs and success rates.
  - Establish transparent process to evaluate goals, objectives, and actions to be achieved internally and externally among and with stakeholders



## **Session 1 Break Out Summary**

- Identify issues and concerns that become barriers to legislators
- Develop cost benefit approach to provide solutions toward meeting permitting requirements

### **RECOMMENDATIONS (established from USEPA and CDFA perspective)**

#### **Step One**

- Establish a blue ribbon committee/taskforce to focus on the institutional barriers and obstacles to permitting of organic residuals throughout California
- Committee could be comprised of state-only agencies and respective boards, departments, and offices including regional air districts and lead enforcement agencies at the municipal level
- Consideration should be given to federal agencies (e.g., USEPA) and involved stakeholders such as the organic residuals industry and other advocates (e.g., Sustainable Conservation) to be presented on such a task force or committee (perhaps by invitation only)
- Develop a mission, goal and objective process that seeks to address the following:
  - Act in good faith to resolve cross media barriers
  - Promote environmentally sound projects
  - Get permitting agencies on the “same page” and work in concert to support projects that reduce the waste stream, provide a source of renewable energy, improve air and water quality, reduces fossil fuel dependency, and improves the quality of life
  - Diffuse or minimize regulatory confusion and frustration
  - Provide regulatory transparency to stakeholders and permittees during permitting process of air, water, and waste agencies.
  - Facilitate institution integration of permitting processes
  - Understand overlap of agencies’ missions and how to mitigate the effects of turf and culture
  - Cross train agency staff on integration and coordination across air, water, and waste and foster/support a more holistic view of these projects
- Develop a structure and process to address perceived and actual conflict or contradictions among regulatory practice(s) or requirements

#### **Step Two**

- Identify strengths and opportunities to build upon existing cooperation among working groups within or among agencies e.g., Interagency Agriculture Coordination Team, CalEPA Coordination Meetings, Climate Action Team meetings in response to AB 32.

#### **Step Three**

- Develop and Implement a Joint Unified Strategy



## **Session 1 Break Out Summary**

- Develop a matrix for reviewing, tracking, and adopting permits with multiple media and agencies who are involved
- Make recommendations for new policies or strategies to improve the situation aggravated by dysfunctional agencies, build good will, and provide clarity and some assurance in the permitting process
- Establish within the matrix a series of parameters that would address emission allowances or discharges for air, water, waste etc. Additionally, other parameters could include cost/benefit scenarios, efficacy, practicality, and practices associated with the compliance of existing or proposed regulations
- Develop a permitting guidance document for California that addresses organic residuals that would be reviewed and updated every few years
- Coordinate/update the development of strategy with key interested state legislators, the Governor's Office and directly with involved Cabinet member
- Link importance of a Joint Unified Strategy with the goals of AB32.

### **Step Four - Options**

- Establish a legislative working group to legislate the Joint Unified Strategy by having a coalition of agencies to carry out the mission critical components of the strategy
- Create a joint agreement among the participating agencies of the Joint Unified Strategy to carry out its implementation
- Implement by Governor Executive Order